

MAY 11 2004

OFFICIAL Patent  
704174.9

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )

Group Art Unit: 3763 )

Brian K. Courtney et al. )

Examiner: Lina Kontos )

Serial No.: 09/872,068 )

Filed: May 31, 2001 )

For: EMBOLIZATION PROTECTION )  
SYSTEM FOR VASCULAR PROCEDURES )

## INFORMATION DISCLOSURE STATEMENT

## MAIL STOP INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

## CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being faxed to Examiner Lina Kontos at 703/872-9402 at the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Date of Faxing: May 7, 2004  
DOCSOC1:150351.1  
704174-9 K2M  
Lynne Fulmer

Patent  
704174.9

## INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☒ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

## STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

DOCSOC1:150351.1  
704174-9 K2M

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## PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).☒ Please charge \$385.00 to Deposit Account No. 150665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. 150665.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 7, 2004By: 

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<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b> 704174.9	<b>SERIAL NO.</b> 09/872,068
	<b>APPLICANT:</b> Brian K. Courtney et al.	
	<b>FILING DATE:</b> May 31, 2001	<b>GROUP:</b> 3763

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE	
	US20030104073A1	Publ. 6/5/2003					
	US20030018297A1	Publ. 1/23/2003					
	US20020044907A1	Publ. 4/18/2002					
	US20010041865A1	Publ. 11/15/2001					
	US20010039411A1	Publ. 11/8/2001					
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	6,527,979	3/4/2003					
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	6,387,071	5/14/2002					
	6,379,345	4/30/2002					
	6,290,689 B1	9/18/2001					
	6,290,689	9/18/2001					

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							

DOCSOC1:150352.1  
704174-9 K2MOC-114818.1

<b>EXAMINER:</b> Linda Kontos	<b>DATE CONSIDERED:</b>
<b>EXAMINER:</b> Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	